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Vincent J. Gatto

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EXAMINER

OH, TAYLOR V

ART UNIT

PAPER NUMBER

1625

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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It is noted that applicants have filed an Amendment after the Final Rejection on 1/10/2008; applicants' attorney has addressed the issues of record. The proposed amendment will not be entered because of a new issue to be considered; and, it is not in a condition for allowance.

The Status of Claims

Claims 1, 4-28,30-69 are pending.

Claims 1, 4-28,30-69 are rejected.

Claims 50-68 are withdrawn from consideration.

Claim Rejections-35 USC 103

1. Applicants' argument filed 8/15/07 have been fully considered but they are not persuasive.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The rejection of Claims 1-49 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haeberli et al (U.S. 4,228,297) in view of Grant et al (Chemical Dictionary, 1990, p. 11-12).

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The rejection of Claims 1-49 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haeberli et al (U.S. 4,228,297) in view of Grant et al (Chemical Dictionary, 1990, p. 11-12) has been maintained for the reasons of the record on 6/1/07.

New Issues

In claim 31, the phrase “are the same” has been added to after the phrase “ said first catalyst and said second catalyst”, which raises a new issue that would require further consideration and/or search.

Applicants’ Argument

2. Applicants argue the following issues:
 - a. In the claims 1,23,28, 31-32, and 36, the first and second catalysts are the same, which is not disclosed in the Haeberli et al ;
 - b. The claims 38, and 69 differ from the Haeberli et al in that a single catalyst is sued in these claims;
 - c. claim 69 uses the transitional phase “ consisting of “ so that the addition of ethyl alcohol taught in the Haeberli et al .

Applicants’ arguments have been noted, but the arguments are not persuasive.

First, regarding the first and second arguments, the Examiner has noted applicants’ argument. However, on the contrary to applicants’ argument, the Haeberli et

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al expressly teaches that the first and second catalysts are the same as described below (see col. 9, lines 1-4):

The second alkaline catalyst may be selected from the classes of compounds listed above for the first alkaline catalyst, i.e., alkali metal hydrides, alkali metal alkoxides of Formula VI or alkali metal amides of Formula

Furthermore, this means that the Haeberli et al requires the single catalyst to form a hindered phenolic alkylester as shown in the above.

Secondly, regarding the third argument, the Examiner has noted applicants' argument. However, because of the new issue present in the claim 31, this particular transitional phase "consisting of" will be not considered at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taylor Victor Oh whose telephone number is 571-272-0689. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Taylor Victor Oh/
Primary Examiner, Art Unit 1625